

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES***

Applicant: Mitchell, James P.

Title: COMMUNICATION SYSTEM
AND METHOD FOR A
MOBILE PLATFORM

Appl. No.: 09/493,472

Filing Date: 1/28/2000

Examiner: Shang, Annan Q.

Art Unit: 2623

Confirmation 2281
Number:

REPLY BRIEF

Mail Stop Appeal Brief - Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is responsive to the Examiner's Answer dated September 3, 2009, concerning the above-referenced patent application.

ARGUMENT

In paragraph 10 of the Examiner's Answer mailed September 3, 2009, the Examiner responds to Appellant's arguments. The Examiner states: "Appellant has mischaracterized the Leuca reference by making reference to a few cited portions and not considering the entire Leuca disclosure." Answer, page 8, lines 8-10. Appellant respectfully disagrees with the Examiner's statement and respectfully reasserts the arguments made in the Appeal Brief. Appellant respectfully submits the Appellant's arguments do not mischaracterize Leuca and that the Examiner has mischaracterized Leuca with respect to its purported support for order wire data. The Examiner appears to be mistakenly equivocating the fact that the components in Leuca could potentially utilize order wire data as a teaching of order wire data. However, such a possibility for an arrangement of components does not suggest or teach the use the order wire data which is so clearly and explicitly recited in claims 1, 12, 13 and 17.

The purported support for order wire data in Leuca appears to be based upon a user's selection of different channels. The Examiner specifically states:

The user performing these interactions (channel changing, etc.) controls a source of data (video, etc.) for playback of a program.

Examiner's Answer, page 8, lines 20-21. User selections of channels are not order wire data.

Order wire data is data that controls a source of video playback of a program. The source is from a storage unit on the mobile platform or from the satellite receiver on the mobile platform. The order wire data is received wirelessly in docking area. Appellant's specification discusses "order wire data" in greater detail as follows:

A program order wire included with the data at data source 105 (in Figure 6) and transmitted with the data may be used to entitle,

queue, and control using the communications control processor and memory channel manager 517, mass memory storage unit 515 what data to store, from a channel, at a given time. ...

The order wire enables system 100 to operate as essentially an affiliate television station on-board each of aircraft 120. The order wire can set the content, time, and source of programs available on each of aircraft 120. Further, the order wire can direct the reception of live and near-live broadcasts. In one example, the order wire can direct the playback of a game which has been stored in unit 515. In another example, the order wire can direct the playback a game which is in progress when aircraft 120 is parked at gateway 125. The first 30 minutes of the game could be played back from unit 515 while the remainder of the game is received from satellite 240. Thus, the order wire can ensure property synchronization of the playback of programs.

Specification, page 24, lines 9-27. Clearly, a user on-board an aircraft selecting channels is not equivalent to the order wire data described above. Indeed, in Leuca the user is controlling the source of playback, not the order wire data. A user changing a channel is clearly not order wire data. In addition, the API of Leuca is not order wire data; it is merely an interface for the user and the network. The API of Leuca does not control the playback of the video.

The purpose of the order wire data is to provide instructions to the system while docked so that appropriate information can be received and stored for playback while traveling. Real time user implemented selections of channels are simply not the same. For example, if the data is not available by satellite, the only way playback would be possible in Leuca is if by fortuity the data was stored on-board through a gate link and the user knew to select that stored data with a channel change. However, without order wire data, the stored data would not be available because it would not be possible to go back in time and download the unavailable data

for that particular program. Accordingly, Leuca is completely ignorant of the advantages of the order wire data and should not be used to provide a suggestion for the order wire data.

Like Leuca, Podowski does not disclose order wire data. Podowski merely discloses program requests that are sent from individual and stationary airline terminals to a centralized distribution center (see Fig. 1 of Podowski for a network topography)(see also Fig. 2 of Podowski, “airline issues program requests”; and Podowski, col. 2, lines 42-47). These program requests are not order wire data that control a source of video for playback, but rather are selections of programs that are transmitted from stationary airline terminals to a centralized distribution center. Podowski further discloses that the program requests are organized into “composite signals” that may include an identification of the programs selected by the stationary airline terminals as well as routing information that indicates how selected programs of an airline are to be distributed to specific aircraft. (Podowski, col. 2, lines 60-65). These composite signals are also not order wire data that control a source of video for playback, are not received by individual aircraft, and only identify how selected programs from the program requests should be assigned to specific aircraft. Accordingly, neither Leuca nor Podowski, nor any valid combination thereof, disclose the order wire data recited in independent claims 1, 12, 13 and 17.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16 1.17, or credit any overpayment, to Deposit Account No. 18-1722. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 18-1722.

Respectfully submitted,

Date November 2, 2009

By /Joseph N. Ziebert/

Customer Number: 26383

Telephone: (319) 295-8280

Facsimile: (319) 295-8777

Joseph N. Ziebert
FOLEY & LARDNER LLP
Attorney for Applicant
Registration No. 35,421